

April 12, 1977

LB 74, 77, 112, 157,
264, 312, 355, 368,
391, 421, 454, 456,
481, 482, 499, 294,
365, 64, 38

CLERK: Mr. President, a communications from the executive office under date of April 8, 1977. Read communications on page 1333 of the Journal. Mr. President, Senator Barnett asked unanimous consent to print amendments to LB 64 in the Legislative Journal. (Refer to pages 1333-1335). Mr. President, we have received a series of Attorney General's opinions. (Refer to pages 1135-1354). Nothing else Mr. President.

(Machine turned off).

CLERK: ...consideration Article 10. There are some amendments which were not placed in the Journal. One is offered by Senator Barnett on page 166. Read amendments on page 1354 of the Journal.

PRESIDENT: Chair recognizes Senator Barnett.

SENATOR BARNETT: Mr. President, I'd like a little correction as to the procedure this morning on Article 10. I'm going to go through the overview and go through it and then come back because the amendments are pretty minor but I'd like to talk to the amendments so we'll take it in that order if that is alright.

PRESIDENT: That's fine. You're going to give a little overview and then go into your amendments?

SENATOR BARNETT: Yes, that is what we'll do.

PRESIDENT: Fine. You have 10 minutes, Senator.

SENATOR BARNETT: I'll try to do the overview for the members on the criminal code; right now we are on Article 10. Article 10 will start on page 165 in the green copy and this is entitled the Offenses Against Public Peace, Order, and Decency. It's got 21 sections and it's found on page 165-181 in the green copy of LB 38. The offenses covered under this article are those that affect the peace and welfare of the public generally and they cover from riot to disorderly conduct to abridging the right to petition, to cruelty to animals. There is also in this article provisions outlining the procedures whereby a state of emergency can be declared in designated areas. There are 3 new sections, 221, 231, 232, and there is little substantial change between code provisions and present law. In the sections dealing with riot and emergency procedures, they are exactly the same as those enacted in 1969. This was the provisions that was thought necessary to deal with the unrest in the late 60's. Three sections dealing with criminal syndicalism are questionable constitutionally and amendments will be offered to strike these sections. That's a little overview of what LB 38 is going to be bringing up. I would like to...I've only got 10 minutes according to the President. I don't know how I can do that in 10 minutes, but boy I'll try. I thought the Speaker had waived that 10 minute rule in the overview. Mr. President, I think the Speaker might want to relate to this but there is no way I can go through Article 10 in 10 minutes. I think we've waived that in these hour hearings.

PRESIDENT: That's fine, whatever you want to do.

SENATOR BARNETT: I appreciate that; I'll remember that.